

**Special Courts Committee  
Judicial Conference of Indiana**

July 9, 2010  
Minutes

1. Members present. The following members of the Committee were present: Kenneth Abbott, Richard Campbell, Jennifer DeGroote, David Grund, Richard Tandy, and Russell Sanders, chair.
2. Staff present. Michelle C. Goodman provided the Committee with staff assistance.
3. Guests. David Griffith, JTAC; Jeff Bercovitz, Indiana Judicial Center
4. Approval of minutes. The Committee unanimously approved the minutes from the February 2010 meeting.
5. Discussion of SEA 399. The Committee discussed SEA 399 and the number of questions both the Judicial Center and JTAC are receiving regarding implementing this legislation. The Committee reviewed a draft of frequently asked questions with responses to help assist in responding to questions from the courts. In addition, JTAC is trying to develop a table to provide guidance on what offenses constitute a moving traffic violation. The Committee discussed the issues relating to the application of these provisions to commercial motor vehicle violations and the definitions in the code on what constitutes a moving traffic violation. The Committee made some additional amendments to the draft frequently asked questions. The Judicial Center and JTAC will continue to work on this to address concerns.
6. Discussion on proposal to amend Trial Rule 9.2. The Committee discussed a proposed revision to the draft statement of account form. The Committee agreed that the reformatting was helpful and asked that the portion of the account number be limited in order to comply with the document being available for public access under Administrative Rule 9. The Committee also recommended that the affirmation regarding the plaintiff being the owner or purchaser of debt be listed as the first affirmation on the form. Finally, the Committee was asked to consider changing the term "Statement of Account" to some other title because there were concerns raised that this may be a term of art. The Committee was amenable to changing the title and suggested "Account Affidavit" as an alternative. The Committee requested the staff to transmit these comments back to the Rules Committee for further consideration. In addition, the Rules Committee requested a representative from this Committee attend their next meeting in order to discuss this proposal in more detail. Judge Campbell volunteered to be present.
7. Weighted Caseload and Small Claims. The Committee heard from Jeff Bercovitz regarding some issues raised as a part of the weighted caseload study. The Judicial Administration Committee is interested in studying various types of small claims cases (collections, landlord/tenant, etc.) to learn more about the time associated with these

cases. The Committee agreed to participate in a focused study on these cases to assist with this project.

8. Benchbook revisions. The Committee reviewed the follow benchbook sections:
  - a. 4.06(G-K) – The Committee reviewed the section on bad checks and civil actions. The Committee asked that the bad check section be re organized and include any statutes to distinguish bad checks from stop payment of checks. The Committee also wanted the civil actions resulting from criminal activities to focus on offenses against property. Mag. Abbott volunteered two revise these segments for the November meeting. The Committee requested staff check to see if the material in section (H) is covered in the Civil Benchbook. The Committee also discussed section (I) and agreed to update this section consistent with the notes from staff.
  - b. The Committee held 4.07 and 4.08 until the next meeting since there are pending Small Claims Rule proposals.
9. 2010 Meeting Schedule. The schedule of meetings for 2010 is:  
Friday, August 13  
Friday, November 12  
All meetings will be held at the Indiana Judicial Center at 11 a.m.

Respectfully submitted,

Michelle Goodman  
Indiana Judicial Center